THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

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WRIT PETITION NO :11145 of 2005

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Dated: 06.09.2005

Between:

B. Latha, D/o Sanyasinaidu and four others .. **Petitioners**

And

The Chief Executive Officer and four others. **.. Respondents**

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO :11145 of 2005

ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed seeking a direction, in the nature of writ of certiorari, to set aside the Order dated 29.05.2004 in O.A.No.1858 of 2005 on the file of the A.P. Administrative Tribunal, Hyderabad, and to direct the respondents to continue the

petitioner in the post of SG Teacher in the School concerned, Srikakulam District.

The case of the writ petitioners, in brief, is as follows:

The petitioners were appointed as secondary grade teachers in the year 1996, through DSC. On the allegation of possessing fake B.Ed certificates, various proceedings were launched and consequently, the termination orders were also passed against them. The petitioners also approached the Tribunal from time to time by filing different O.A.s for appropriate directions. Ultimately, the petitioners filed O.A.No.1858 of 2005 challenging the termination of their services issued by the 1st respondent in Rc.No.1259/2005/E5 dated 15.3.2005. The Tribunal having found that there are no bonafides on the part of the respondents in terminating the petitioners without following due procedure and apart from that, the petitioners also failed to establish that they possess valid certificates, directed the 1st respondent to give one more opportunity to the petitioners to establish as to the genuineness of their respective certificates and to reconsider the order of termination. Hence, the present writ petition.

Heard the learned Counsel for the petitioners as well as the learned Government Pleader for Services-I and perused the material available on record.

As can be seen from the record, it is apparent that the petitioners approached the Tribunal on every occasion challenging the notices that were being issued by the respondents and the proceedings that were issued by the respondents from time to time. At every time, except mere challenging the proceedings, enquiries and notices of the respondents and finding fault with them, it appears that the petitioners have not even taken care to prove their case by adducing relevant material at the appropriate stage of any of the proceedings during the course of pendency before the Tribunal.

On a perusal of the order impugned, it is apparent that the Tribunal while giving an elaborate discussion and having found no bonafides on either of the parties, disposed of the O.A. directing the 1st respondent to give one more opportunity to the petitioners to establish their case as to the genuineness of their certificates and, on such proof, to re-consider the termination proceedings.

If that being the case, we are unable to understand as to why the petitioners have approached this Court without availing the better opportunity afforded by the

Tribunal and therefore, their approach itself is a premature one. Therefore, we are of the view that the findings recorded by the Tribunal, needs no interference and the writ petition is devoid of merits and the same is liable to be dismissed.

In the result, the writ petition is dismissed. No order as to costs.

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Justice T. Meena Kumari

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Justice P. Lakshmana Reddy

Dated: 06.09.2005

Nn.